

**MINUTES
REGULAR MEETING
UTILITY SERVICE BOARD
JULY 16, 2012**

The Regular Meeting of the Utility Service Board of the City of Jasper, Indiana, was held in the Council Chambers of City Hall in Jasper at 7:00 PM on Monday, July 16, 2012.

The meeting was called to order by Chairman Wayne Schuetter.

UPON CALL OF THE ROLL, THE FOLLOWING WERE PRESENT:

Wayne Schuetter – Chairman
Rick Stradtner – Vice Chairman
Mike Harder – Secretary
Doug Schulte – Water Commissioner
Greg A. Krodell – Gas Commissioner
Ken Sendelweck – Electric Commissioner
Alex Emmons – Wastewater Commissioner

ALSO PRESENT:

Jerry Schitter – Electric Distribution Manager
Windell Toby – Electric Generation Manager
Mike Oeding – Gas & Water Manager
Ed Hollinden – Wastewater Manager
Bud Hauersperger – General Manager
Ashley Kiefer – Office Manager
Renee Kabrick – City Attorney

PLEDGE OF ALLEGIANCE (DVD-00:41)

Chairman Wayne Schuetter led the Pledge of Allegiance.

WELCOME ATTORNEY (DVD- 01:01)

Chairman Schuetter welcomed Renee Kabrick as the new in-house City Attorney.

QUOTE OPENING: FINAL CLARIFIER COVER – WASTEWATER (DVD-01:16)

Bud Hauersperger opened the quotes and read them aloud as follows:

- | | |
|--|-------------|
| 1. Mitchell & Stark Construction
Medora, IN | \$47,159.00 |
|--|-------------|

The quote included a non-collusion affidavit.

2. Graves Plumbing Company \$49,393.00
Switz City, IN

The quote included a non-collusion affidavit.

3. Infrastructure Systems, Inc. \$57,700.00
Orleans, IN

The quote included a non-collusion affidavit.

Ed Hollinden asked permission to purchase and install the final clarifier cover, if it meets specifications. Alex Emmons made a motion to approve the purchase of the final clarifier cover for \$47,159 from Mitchell and Stark Construction if it meets specifications. Greg Krodel seconded the motion. Motion approved 7-0.

QUOTE OPENING: MANHOLE RELINING – WASTEWATER (DVD-06:20)

Bud Hauersperger opened the quotes and read them aloud as follows:

1. Spectra Tech, LLC \$240.00 per vertical ft.
Noblesville, IN w/ max of \$30,000

The quote included a non-collusion affidavit.

2. Red Horse, Inc. \$310.00 per vertical ft.
Stoughton, WI w/ max of \$30,000

The quote included a non-collusion affidavit.

3. Advance Rehabilitation Technology \$253.00 per vertical ft.
Bryan, OH w/ max of \$30,000

The quote included a non-collusion affidavit.

Ed Hollinden asked permission to proceed with the manhole relining, if it meets specifications. Rick Stradtner made a motion to approve the manhole relining for \$240 per vertical foot with a maximum of \$30,000 from Spectra Tech, LLC if it meets specifications. Ken Sendelweck seconded the motion. Motion approved 7-0.

APPROVAL OF MINUTES (DVD-09:50)

Chairman Wayne Schuetter presented the minutes of the June 18, 2012 Joint Executive Session, June 18, 2012 Regular Meeting, and June 29, 2012 Joint Emergency Meeting and there being no corrections or amendments, asked for a motion to approve the minutes. Doug Schulte made a motion to approve the minutes of the June meetings as presented. Alex Emmons seconded the motion. Motion approved 7-0.

PETITION TO VACATE RIGHT-OF-WAYS IN SUMMIT HEIGHTS SUBDIVISION-CASH, WAGGNER & ASSOCIATES ON BEHALF OF GOOD SAMARITAN (DVD-10:52)

Nathan Waggner with Cash, Waggner and Associates, on behalf of Northwood Good Samaritan, requested a petition to vacate right-of-ways in the Summit Heights Subdivision. (Rick Stradtner recused himself from voting on the issue due to his company selling pharmaceuticals to Northwood Good Samaritan.)

Northwood Good Samaritan wants to build an assisted living facility in the remaining blocks of the Summit Heights Subdivision. Good Samaritan has a building footprint that would span across the roadways and lot lines. Good Samaritan is asking for a vacation of Krempp Avenue, the alley, the western half of Booths Lane, and half right-of-ways of Rose Dale Avenue. There are sanitary sewer lines and overhead electric lines in the right-of-way. The utility managers would agree to the vacations, if easements were given to cover the utilities. Good Samaritan is willing to dedicate easements back along Rose Dale Avenue.

Ken Sendelweck made a motion to approve the vacations of the right-of-ways of Booths Lane, Krempp Avenue, the alley, and Rose Dale Avenue with a recommendation of a 25 foot easement for both Rose Dale Avenue and Booths Lane and the rebuilding of approximately 120 feet of sewer line south of the vacation area on Krempp Avenue, so the sewer flows downhill towards the manhole. Mike Harder seconded the motion. Motion approved 6-0.

PETITION TO VACATE PUBLIC UTILITY & DRAINAGE EASEMENT – 560 25TH STREET- BROSMER LAND SURVEYING ON BEHALF OF MEYER DISTRIBUTING (DVD-18:34)

Brad Eckerle with Brosmer Land Surveying, on behalf of Meyer Distributing, requested a petition to vacate a public utility and drainage easement at Fairway Park 4th Addition, which is near 25th Street and Cathy Lane. Meyer Distributing wants to extend their existing building north. There is a 20 foot public utility drainage easement, 10 feet on each lot, on the north side of the building from Terry Lane to Cathy Lane. There are some utilities present within the easement. There is a sanitary sewer with a manhole, and concerns with drainage. Responsibility for sewer maintenance and repairs for the manhole would be at the owner's expense, as this would become a private lateral. There will be a recorded agreement with the lot owners regarding the sanitary sewer.

Greg Krodel made a motion to approve the vacation of the public utility and drainage easement at 560 25th Street on behalf of Meyer Distributing, which includes an agreement that Meyer Distributing will take over the sewer lines as their own private lines. Doug Schulte seconded the motion. Motion approved 7-0.

PETITION TO VACATE PUBLIC UTILITY & DRAINAGE EASEMENT – 510 MENDEL LANE – BROSMER LAND SURVEYING ON BEHALF OF THERESA VONDERSCHMITT (DVD-29:52)

Brad Eckerle with Brosmer Land Surveying, on behalf of Theresa Vonderschmitt, requested a petition to vacate a public utility and drainage easement at the Vonderschmitt Farm located at

State Road 162 and Meridian Road. Vonderschmitt is asking for vacation of a public utilities and drainage easement to add a building onto an existing detached garage which was built on top of a public utilities and drainage easement in 1995. There are no utilities in the easement.

Mike Harder made a motion to approve the vacation of a public utilities and drainage easement at 510 Mendel Lane on behalf of Theresa Vonderschmitt. Doug Schulte seconded the motion. Motion approved 7-0.

POWER PLANT CAPACITY TEST RUN ON JUNE 26TH (DVD-33:45)

Windell Toby informed the Board that on June 26th the Power Plant ran their annual capacity test. They were on online for four hours. Everything ran fine once they got started.

JASPER CLEAN ENERGY MONTHLY REPORT (DVD-35:05)

Bud Hauersperger explained the Jasper Clean Energy monthly report for June to the Board. Jasper Clean Energy is continuing to work on the Power Sales Agreements. They are holding meetings with potential power purchase candidates. Indianapolis Power and Light and East Kentucky Power Cooperative have released RFP's for long term power supplies. These RFP's are under review by the development team. More RFP's are coming in for 2015 to 2017.

ELECTRIC PLANNING COMMITTEE REPORT (DVD-36:18)

Ken Sendelweck, Chairman of the Electric Planning Committee, stated the committee met on June 28th. Sendelweck was not present for the meeting. Bud Hauersperger informed the Board that the Committee discussed a proposal from Metronet for fiber-to-the-premise. Ed Corr with Metronet gave a presentation on their fiber-to-the-premise project proposal. Metronet would like to extend a fiber optic network to every home and business in Jasper, Huntingburg, and contiguous areas in Dubois County. Through their network Metronet provides enhanced fiber internet service, which provides unlimited capacity, fiber voice services (phones), and fiber internet protocol TV.

Metronet would like to partner with the City of Jasper. Metronet would provide access to fiber throughout the City in exchange for pole attachment agreements. Hauersperger explained that the City is reviewing the contracts from Metronet at this time with some concern regarding the proposed pole attachment agreement. Hauersperger is also meeting with other companies interested in providing fiber to the City. He will bring any new proposals to the Committee and Board.

REVIEW & RECOMMENDATIONS ON WATER EMERGENCY DECLARATION (DVD-38:57)

Mike Oeding informed the Board that the Corp of Engineers was asked to lower the release of water from Patoka Reservoir to 25 cubic feet per second (cfs) several days ago. Oeding thought this would help flat line the river gauges but in the last 4 or 5 hours they have dipped below again. Oeding is not sure if the usage of water is causing the problem or if its evaporation from the high temperatures. They will have to watch the water level the next couple of days and may

have to ask the Corp of Engineers to release 30 cfs again. The flow was less at the Dubois Dam this morning, but as long as there is some flow, things should be fine.

Oeding stated that the next 90 days are calling for high temperatures and little to no rain. He is recommending lessening the restrictions for the Mandatory Water Conservation. He will recommend to the Mayor letting residents increase the hours for using sprinklers from 4AM to 10PM every other day on the same odd/even basis. He will also recommend that vehicles can be washed at home and businesses again on the odd/even basis. If possible, vehicles should be washed on the lawn so the water will not be wasted. Oeding recommends still prohibiting washing outside surfaces, except for the ones that are exempt by the Mandatory Water Conservation.

The State issued a Voluntary Decree for the entire state to conserve water usage by 10%. The citizens of Jasper are doing an outstanding job conserving water. Oeding thanked the Police Department for their efforts in talking to the citizens regarding the Mandatory Water Conservation. Oeding will finalize the details with the Mayor tomorrow morning regarding the Proclamation.

Chairman Schuetter informed the Board that himself, Bud Hauersperger, Mike Oeding, and Mayor Seitz met last week and did an internal review and an analysis of all the factors that brought on the Mandatory Water Conservation. There are some issues internally that will have to be addressed, but the main issue is the control level of the pool and what factors influence the amount of water that gets to the pool after being released from Patoka Lake. These issues are being addressed further.

Mike Harder made a motion to support recommendations made by Mike Oeding to the Mayor regarding the changes to the Mandatory Water Conservation measures. Rick Stradtner seconded the motion. Motion approved 7-0.

REVIEW OF PROGRESS ON NORTH WATER TOWER REHABILITATION PROJECT (DVD-46:48)

Mike Oeding updated the Board on the progress of North Water Tower Rehabilitation Project. Bids for the project will be mailed July 27th, and there will also be a wage determination hearing on August 2nd. August 3rd bids will go out for the second time, and an addendum with a wage decision will be issued the week of August 6th. A special meeting needs to be scheduled to open the bids the week of August 13th, taken under advisement and given to the engineers so they can attend the Regular USB Board meeting August 20th, at which time a bid will be recommended for approval. If the above schedule is followed, a Notice to Proceed should be issued September 3rd.

Oeding explained to the Board that no water will be wasted during the draining of the North Water Tower, and it will not have an impact on water usage.

REVIEW OF PROGRESS ON 3RD AVENUE MAIN REPLACEMENT PROJECT (DVD-50:30)

Oeding informed the Board that Midwestern Engineering has been in town since last week. They are doing the surveying and locating on 3rd Avenue for the Main Replacement Project. They should be complete with this portion of the project Wednesday or Thursday and then can start on the drawings.

GAS PLANNING COMMITTEE REPORT (DVD-51:08)

Greg Krodel, Chairman of the Gas Planning Committee, stated the committee did not meet during the past month.

WATER PLANNING COMMITTEE REPORT (DVD-51:16)

Doug Schulte, Chairman of the Water Planning Committee, stated the committee did not meet during the past month.

PAYMENT REQUEST FROM INFRASTRUCTURE SYSTEMS, INC. (DVD-51:25)

Ed Hollinden presented a payment request on behalf of Infrastructure Systems, Inc. for the Northside Sewer Project in the amount of \$133,514.50. This is the third payment request. Hollinden said that they are finished installing lines and saddles. They will be starting on paving this week.

Doug Schulte made a motion to approve the third payment request for Infrastructure Systems, Inc. for the Northside Sewer Project in the amount of \$133,514.50. Mike Harder seconded the motion. Motion approved 7-0.

CHANGE ORDER REQUEST FROM INFRASTRUCTURE SYSTEMS, INC. (DVD-52:58)

Hollinden presented a change order request on behalf of Infrastructure Systems, Inc. Infrastructure Systems would like to extend the project for an additional 21 days with the completion date being August 4th. Chad Hurm, City Engineer, has reviewed and approved the changes.

Alex Emmons made a motion to extend the completion date to August 4th, an additional 21 days, with Chad Hurm, City Engineer's approval. Rick Stradtner seconded the motion. Motion was withdrawn.

Much conversation followed regarding the reasons for the extension. Hollinden explained that the unforeseen additional lateral taps were reviewed and approved by the City Engineer. The Board decided to review the contract for contingencies.

Ken Sendelweck made a motion to approve extending the completion date to August 4th, an additional 21 days, provided there are no penalties in the penalty clause in the contract that need to be evaluated. Greg Krodel seconded the motion. Motion approved 7-0.

EFFLUENT LINE INSPECTION (DVD-1:06:35)

Hollinden informed the Board that since there is low flow at the sewer plant, the Street Department helped camera 1,167 feet from the plant all the way down the river to inspect the effluent line. The last 10 or 15 feet of the 30" line needs to be relined and this can wait until next year.

WASTEWATER PLANNING COMMITTEE REPORT (DVD-1:07:31)

Alex Emmons, Chairman of the Wastewater Planning Committee, stated the Committee did not meet during the past month.

ORDINANCE LANGUAGE CLARIFICATION – SUMMER SEWER DISCOUNT (DVD-1:07:40)

Ashley Kiefer informed the Board that an Ordinance will be presented to the Common Council at Wednesday night's meeting that will clarify the Ordinance regarding the Summer Sewer Discount. Periodically the Ordinances are reviewed. This Ordinance will clarify the language that explains the calculation of the summer sewer discount, to explain it more clearly to the customer. No changes were made to the actual calculation.

METER READER RETIRING (DVD-1:08:50)

Kiefer informed the Board that Imelda Oeding, the Meter Reader, will be retiring July 26th after 40 years of service to the City. Kiefer thanked Oeding for her many years of service. She will be missed.

WASTEWATER AND WATER RATE STUDY (DVD-1:09:26)

Bud Hauersperger explained to the Board that preliminary work for the Wastewater rate study is in progress. Next month Hauersperger hopes to have a proposal for a Water rate study. It has been three years since a Water rate study has been done and is needed due to the completion of Beaver Lake Dam, Water bond refinancing, and the 3rd Avenue project.

METER TECHNICIAN POSITION (DVD-1:09:58)

Hauersperger informed the Board that the Meter Technician Position has been filled. Rodney Mitchell, who is presently an Electric Generation employee, has accepted the position, and his start date will be July 19th.

FINANCE COMMITTEE REPORT (DVD-1:11:26)

Mike Harder reported the Finance Committee had met and reviewed the claims on the Claim Docket.

The Finance Committee recommended approval of the claims as presented.

Rick Stradtner made a motion to approve the claims as presented. Alex Emmons seconded the motion. Motion approved 7-0.

APPROVE LEGAL SERVICES AGREEMENT WITH SHANEYFELT & BOHNENKEMPER (DVD-1:11:50)

Renee Kabrick , City Attorney, informed the Board that she has reviewed and approved the Legal Services Agreement Proposal presented at the June 18th USB Meeting. The Legal Services Agreement Proposal recommended consultation between City Attorney, Renee Kabrick and Shaneyfelt and Bohnenkemper Law Firm on an as needed basis for \$120 per hour, not to exceed 50 hours.

Ken Sendelweck made a motion to approve the Legal Services Agreement with Shaneyfelt and Bohnenkemper Law Firm for \$120 per hour, not to exceed 50 hours. Mike Harder seconded the motion. Motion approved 7-0.

MAYOR'S GRATITUDE (DVD- 1:13:32)

Mayor Seitz thanked everyone who helped notify the water customers due to the Mandatory Water Conservation on June 29th. It took a group effort to distribute over 8,000 fliers to the water customers in one afternoon. Mayor Seitz is reviewing better ways to distribute information in case this happens again in the future.

Chairman Schuetter thanked Ashley Kiefer and her staff for getting fliers organized and ready to distribute in a short time period.

There being no further business to come before the Board, the meeting was adjourned at 8:17PM upon motion by Alex Emmons and second by Mike Harder. Motion approved 7-0.

The minutes were hereby approved _____ with X without corrections this _____ day of _____, 2012.

Attest: _____
Secretary Chairman